



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

October 20, 2003

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 03-32

Yield House Industries, Inc.
P.O. Box 2525
Conway, New Hampshire 03818

Claude Jeanloz, Owner

Yield House Industries, Inc.
71 Hobbs Street
Conway, New Hampshire
EPA ID No. NHD986486405

Dear Mr. Jeanloz

On July 15, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Yield House Industries, Inc. (Yield House). The purpose of the inspection was to determine Yield House's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, DES confirmed that Yield House had not performed a hazardous waste determination for the waste fluorescent lamps generated at the facility. DES also verified that the waste lamps were routinely disposed of at the Conway Transfer Station.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Yield House test a representative sample of the waste fluorescent lamps for the characteristic of toxicity as defined in Env-Wm 403.06. This analysis should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that waste determinations may also be demonstrated by Yield House using knowledge of the hazardous waste constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Yield House may elect to manage waste lamps as “universal waste” in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheets #WMD-HW-7, “Universal Waste Lamps: Management Requirements for Handlers and Transporters”, as well as a DES “Fluorescent Lamp and Ballast Recycling Facility” list to aid you with the determinations.

Yield House will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses; or information indicating that the lamps are being handled as a universal waste in accordance with Env-Wm 1100.

2. Env-Wm 504.02(d) Notification Requirements

Current DES notification records do not reflect the change in Yield House’s generator status from a Full Quantity Generator (FQG) to a Small Quantity Generator (SQG).

Env-Wm 504.02(d) requires that a generator shall notify DES verbally or in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change.

DES requests that Yield House either call (603) 271-2901 or submit a subsequent notification form (enclosed) in order to accurately reflect the change in generator status.

3. Env-Wm 507.03(a)(1) b., c., and d. - Container Marking

At the time of the inspection, the five (5) polyethylene bags of hazardous waste “paint filters” in the spray booth area were not marked with the words “hazardous waste”, words that identify the contents of the container, and the EPA or state waste number. See the attached Main Storage Area Container Inventory.

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words “hazardous waste”; words that identify the contents of the container; and the EPA or state waste number.

DES requests that Yield House properly mark all containers of hazardous waste at the time they are first used to store waste with: the words “hazardous waste”; words that identify the contents of the container; and the EPA or state waste number.

Please be advised that Env-Wm 507.03(b)(1) requires generators to package hazardous waste in DOT approved containers as specified in 49 CFR part 178 before transporting or offering hazardous waste for transportation off-site.

4. Env-Wm 807.06(b)(5) Used Oil Standards – Closed Container

At the time of the inspection, one (1) 55-gallon container of used oil for recycle in the chemical storage room was not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requests that Yield House ensure that all containers and tanks are kept closed at all times except to add or remove used oil.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Yield House can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Yield House, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (866) HAZ-WAST (in-state only) or at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Thank you for your cooperation.

Sincerely,


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit
Michael Leavitt, Facility Manager, Yield House Industries, Inc.

E-mail: JJD/SD/SD/PM

Enclosure: Hazardous Waste Generator Inspection Report
Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters
"Fluorescent Lamp and Ballast Recycling Facility" list
Hazardous Waste Activity Notification Form